

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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THE TRAVELERS INDEMNITY COMPANY OF
CONNECTICUT,

Plaintiff,

-v-

COLONY INSURANCE COMPANY,

Defendant.
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23-cv-6168 (LJL)

ORDER

LEWIS J. LIMAN, United States District Judge:

Plaintiff The Travelers Indemnity Company of Connecticut moves, pursuant to Federal Rule of Civil Procedure 37(b)(2)(A), for an order sanctioning Defendant Colony Insurance Company, Inc. for its failure to comply with Court-ordered discovery. *See* Dkt. No. 21 (renewing an April 15, 2024 oral motion). Defendant has not responded to Plaintiff's motion, so the Court deems it unopposed.

Under the Court's case management plan and scheduling order, initial disclosures were due December 21, 2023 and the deadline for all fact discovery was April 5, 2024. Dkt. No. 16. Yet Defendant still has not provided its initial disclosures to Plaintiff. Dkt. No. 21 at 1. Additionally, Defendant has repeatedly ignored Plaintiff's calls and emails seeking to rectify Defendant's deficient discovery. *Id.* at 2.

Plaintiff's motion for sanctions is therefore GRANTED and Defendant is prohibited from offering or relying on any documents or other evidence that has not yet been produced in this action. *See* Fed. R. Civ. P. 37(b)(2)(A)(ii). Failure to respond to Plaintiff's outstanding discovery requests may result in further sanctions, including an order precluding Defendant from denying that it is obligated to defend and indemnify Kraman Iron Works, Inc. in the underlying action and that Plaintiff is entitled to defense and indemnity costs incurred on behalf of Kraman Iron Works, Inc. in that action.

SO ORDERED.

Dated: April 26, 2024
New York, New York



LEWIS J. LIMAN
United States District Judge